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January 16, 2025

Via ECF & Email

Hon. Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007
Failla_NYSDChambersnysd@uscourts.gov

MEMO ENDORSED

Re: CMI IP Holding v. Quisqueya Foods Inc. et al., Case No. 1:24-cv-07691-KPF
(S.D.N.Y.) / Consent Motion for Entry of Agreed Judgment

Dear Judge Failla:

We represent Plaintiff CMI IP Holding (“Plaintiff”) in the above-styled lawsuit against Defendants Quisqueya Foods Inc., Marcos A Castillo, Borinquen Supermarket, and Cofaci Foods, Inc. (collectively, “Defendants”). In accordance with the Court’s instructions given during the initial pretrial conference held on January 16, 2025 (“IPTC”), and with the consent of all parties to this lawsuit given pursuant to their (confidential) *Settlement Agreement and Release* dated effective as of December 23, 2024 and fully-executed as of January 15, 2025 (“Settlement Agreement”), Plaintiff respectfully asks the Court sign and enter the *Agreed Permanent Injunction and Judgment* attached hereto as Exhibit A (“Agreed Judgment”) with the below-described modification to that Agreed Judgment; and, in support thereof, respectfully shows:

Plaintiff and Defendants are parties to the Settlement Agreement. Pursuant to the Settlement Agreement, all such parties have signed and agreed to Plaintiff’s filing of the Agreed Judgment. The Agreed Judgment disposes of all claims asserted in this lawsuit. (Ex. A at 4).

The Settlement Agreement is confidential and, therefore, will not be separately filed of record. Rule 6(B) of the Court’s Individual Rules states: “The Court will not retain jurisdiction to enforce confidential settlement agreements.” Accordingly, as the Court deems appropriate, it may wish to modify the Agreed Judgment by striking the following text from page 2 and page 3 of the parties’ Agreed Judgment:

2. “, though this Court shall retain jurisdiction for adjudication of any disputes or alleged violations pertaining to this Judgment”. (Ex. A at 2).
4. “Notwithstanding the claims dismissed in this Judgment, this Court shall retain jurisdiction for adjudication of any disputes or

alleged violations pertaining to this Judgment.” (Ex. A at 3).

Lastly, as explained during the IPTC, while Defendants have not yet appeared in this lawsuit, they are currently represented by legal counsel for settlement purposes. Accordingly, Plaintiff shared a copy of this motion with such settlement counsel and will provide them with a courtesy copy of this motion. Plaintiff will also serve such settlement counsel with a file-marked copy of the Agreed Judgment once entered by the Court.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully asks the Court to: (1) grant this motion in its entirety and, thus, enter the Agreed Judgment with the potential noted modification by the Court; and (2) mark this case as closed.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Shannon Zmud Teicher

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Attachment (Ex. A)

cc: Stephanie Cucurullo (via email with attachment: stephaniecucurullo@gmail.com)
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***Current Settlement Attorney for Defendants Quisqueya Foods Inc.,
Marcos A. Castillo, Borinquen Supermarket, and Cofaci Foods, Inc.***

Application GRANTED.

The Court will enter the Agreed Judgment under separate cover. Because the Settlement Agreement is confidential and, therefore, will not be separately filed of record, the Court has removed the text identified by the above letter from the Agreed Judgment. Accordingly, the Court will not retain jurisdiction to enforce the confidential settlement agreement.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: January 22, 2025 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE